

**DRAFT**

MINUTES OF THE CITY COUNCIL  
OF THE  
CITY OF GREENSBORO, N. C.

REGULAR MEETING:

5 APRIL 2005

The City Council of the City of Greensboro met in regular session at 6:00 p.m. on the above date in the Council Chamber of the Melvin Municipal Office Building with the following members present: Mayor Keith A. Holliday, presiding; Councilmembers T. Dianne Bellamy-Small, Claudette Burroughs-White, Sandra G. Carmany, Florence F. Gatten, Yvonne J. Johnson, Robert V. Perkins, Thomas M. Phillips, and Donald R. Vaughan. Absent: None. Also present were J. Edward Kitchen, City Manager; Clyde Albright, Assistant City Attorney; and Juanita F. Cooper, City Clerk.

The meeting was opened with a moment of silence and the Pledge of Allegiance to the Flag.

.....

The Manager recognized John Shoffner, employee in the Executive Department, who served as courier for the meeting.

.....

The Mayor explained the Council procedure for conduct of the meeting.

.....

Noting that April was Poetry Month in Greensboro, Councilmember Burroughs-White recognized Marilyn Miller who provided information with regard to the second year of the Friends of the Library's Poet Laureate Project. Pat Caskie, Chairperson of the Project and representing Page High School, explained the project and application process to select a Poet Laureate from each participating school. Cindy Rand, Assistant Principal at Dudley High School, spoke to the talent of students involved in this program, read a poem submitted from a Dudley student, provided Council with a book of poems, and expressed appreciation for Council's support.

Councilmember Burroughs-White expressed appreciation to those involved with this project and encouraged citizens to take advantage of the exciting, ongoing activities at the Library.

.....

Mayor Holliday stated that this was the time and place set for a public hearing to consider an ordinance annexing territory to the corporate limits located at 4054 and 4056 Dover Park Road in Grandover—2.18 acres.

After Dick Hails, Planning Department Director, briefly described the proposed annexation and noted that zoning was in place for the property, the Mayor asked if anyone wished to be heard.

There being no one present desiring to speak to this matter, Councilmember Johnson moved adoption of the ordinance. The motion was seconded by Councilmember Carmany; the ordinance was adopted on the following roll call vote: Ayes: Bellamy-Small, Burroughs-White, Carmany, Gatten, Holliday, Johnson, Perkins, Phillips and Vaughan. Noes: None.

05-61 AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (LOCATED AT 4054 AND 4056 DOVER PARK ROAD IN GRANDOVER – 2.18 ACRES)

Section 1. Pursuant to G.S. 160A-58.1, the hereinafter described territory is hereby annexed to City of Greensboro:

Beginning at a point in the existing Greensboro satellite city limits, said point being the westernmost corner of Lot 1 of Grandover, Section 6, Phase 1, as recorded at Plat Book 158, Page 116 in the Office of the Register of Deeds of Guilford County; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS along the west line of said Lot 1 N 47° 36' 43" E 112.89 feet to a point; thence along the west lines of said Lot 1 and Lot 2 on said plat N 63° 10' 49" E 129.69 feet to a point in the west line of said Lot 2; thence along said west line and the west line of Area to be Combined with Golf Course N 7° 57' 16" E 190.69 feet to the northwest corner of Area to be Combined with Golf Course; thence along the north line of Area to be Combined with Golf Course S 64° 43' 54" E 182.64 feet to a point; thence continuing along said north line S 84° 10' 37" E 106.62 feet to a point in the west right-of-way line of Dover Park Road; thence along said right-of-way line S 44° 12' 46" W 491.94 feet to a corner right-of-way radius; thence along the corner radius, a curve to the right having a radius of 20.00 feet and a chord bearing and distance of S 86° 24' 01" W 26.86 feet to a point on the north right-of-way line of Postbridge Drive; thence along said right-of-way line N 51° 24' 44" W 197.81 feet to a point; thence continuing with said right-of-way line with a curve to the left having a radius of 665.00 feet and a chord bearing and distance of N 51° 52' 40" W 5.93 feet to the Point an Place of Beginning, containing 2.18 acres.

Section 2. The owner agrees to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owner shall be fully responsible for extending water and sewer service to the property at said owner's expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after June 30, 2005, the liability for municipal taxes for the 2005-2006 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after June 30, 2005.

(Signed) Yvonne J. Johnson

.....

The Mayor stated that this was the time and place set for a public hearing to consider an ordinance annexing territory to the corporate limits located at 4311 Hicone Road—1.3 acres. He thereupon introduced so these matters could be discussed together, an ordinance establishing original zoning classification from County Zoning Highway Business to City Zoning Highway Business for property located on the north side of Hicone Road between US 29 North and Arborlinda Drive.

Mr. Hails used a map and slides the illustrate the property and surrounding area, described the proposal, advised the Zoning Commission had voted 9-0 to recommend approval of the request, and stated the proposed zoning was the same as it had been under the County.

Mayor Holliday asked if anyone wished to be heard on these two items.

There being no one desiring to speak to these two items, Councilmember Burroughs-White moved adoption of the ordinance annexing territory to the corporate limits located at 4311 Hicone Road—1.3 acres. The motion was seconded by Councilmember Bellamy-Small; the ordinance was adopted on the following roll call vote: Ayes:

Bellamy-Small, Burroughs-White, Carmany, Gatten, Holliday, Johnson, Perkins, Phillips and Vaughan. Noes: None.

05-62 AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (LOCATED AT 4311 HICONE ROAD – 1.3 ACRES)

Section 1. Pursuant to G.S. 160A-58.1, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at the northeast corner of Fellowship Hall, Inc. on the south margin of Hicone Road (SR #2565); thence with the north line of Fellowship Hall, Inc. along the south margin of Hicone Road N 88° 47' 46" W approximately 280 feet to the intersection of said north line and the southward projection of the west line of property of John D. Love Oil Company, Inc., which property is shown on a survey drawing entitled "Property of Jack and Tom's Grocery" by Callicutt Surveyors, dated 12-2-88 and referencing Deed Book 1921, Page 608 in the Office of the Register of Deeds of Guilford County; thence N 18° 47' 20" E approximately 230 feet, crossing Hicone Road along said projection and then running with said west line, to the northwest corner of said property; thence S 74° 33' 11" E 244.81 feet with the north line of said property to its northeast corner; thence S 18° 44' W 170.08 feet with the east line of said property to its southeast corner, a point in the north right-of-way line of Hicone Road; thence in a southeasterly direction, crossing Hicone Road, approximately 70 feet to the point and place of BEGINNING, and containing approximately 1.3 acres.

Section 2. The owner agrees to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owner shall be fully responsible for extending water and sewer service to the property at said owner's expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after June 30, 2005, the liability for municipal taxes for the 2004-2005 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after June 30, 2005.

(Signed) Claudette Burroughs-White

.....

Councilmember Burroughs-White thereupon moved adoption of the ordinance establishing original zoning classification from County Zoning Highway Business to City Zoning Highway Business for property located on the north side of Hicone Road between US 29 North and Arborlinda Drive. The motion was seconded by Councilmember Bellamy-Small; the ordinance was adopted on the following roll call vote: Ayes: Bellamy-Small, Burroughs-White, Carmany, Gatten, Holliday, Johnson, Perkins, Phillips and Vaughan. Noes: None.

05-63 AMENDING OFFICIAL ZONING MAP

NORTH SIDE OF HICONE ROAD BETWEEN US 29 NORTH AND ARBORLINDA DRIVE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by establishing original zoning from County Zoning Highway Business to City Zoning Highway Business uses for the area described as follows:

BEGINNING at the northeast corner of Fellowship Hall, Inc. on the south margin of Hicone Road (SR #2565); thence with the north line of Fellowship Hall, Inc. along the south margin of Hicone Road N 88° 47' 46" W approximately 280 feet to the intersection of said north line and the southward projection of the west line of property of John D. Love Oil Company, Inc., which property is shown on a survey drawing entitled "Property of Jack and Tom's Grocery" by Callicutt Surveyors, dated 12-2-88 and referencing Deed Book 1921, Page 608 in the Office of the Register of Deeds of Guilford County; thence N 18° 47' 20" E approximately 230 feet, crossing Hicone Road along said projection and then running with said west line, to the northwest corner of said property; thence S 74° 33' 11" E 244.81 feet with the north line of said property to its northeast corner; thence S 18° 44' W 170.08 feet with the east line of said property to its southeast corner, a point in the north right-of-way line of Hicone Road; thence in a southeasterly direction, crossing Hicone Road, approximately 70 feet to the point and place of BEGINNING, and containing approximately 1.3 acres.

Section 2. This ordinance shall be effective on the date of annexation.

(Signed) Claudette Burroughs-White

.....

The Mayor stated that this was the time and place set for a public hearing to consider an ordinance amending the Generalized Future Land Use Map (Figure 4-2) of the Greensboro Connections 2025 Comprehensive Plan for a portion of the property on the north side of Fleming Road, west of Briarbend Road and the terminus of Chance Road, and south of the Greensboro Western Loop. He thereupon introduced so these matters could be discussed together, an ordinance annexing territory to the corporate limits located at Fleming Road and Chance Road—63.76 acres and an ordinance establishing original zoning classification from County Zoning Agricultural, RS-40 Residential single Family, and Conditional Use-General Officer Moderate Intensity to City Zoning Conditional District—Planned Unit Development—Mixed for property located on the north side of Fleming Road west of Briarbend Road and the terminus of Chance Road, and south of the Greensboro Western Urban Loop.

Mr. Hails used slides and aerial photographs to illustrate the property and surrounding area, described the current zoning and property uses in the area, outlined the request to amend the general land use map, noted the timeframe with regard to the Outer Loop interchange and the preparation of the Comprehensive Plan, and outlined the comprehensive plan land use recommendations for the property. He reviewed staff's recommendation against the proposed change.

Charlie Melvin, Attorney with offices at 300 North Greene Street, spoke to lengthy process involved to formulate a plan for development of this large property which involved 30 property owners; he stated the developer considered this to be an adaptation to the comprehensive plan and an opportunity to develop this property. He provided a history of the property, described the development proposal, asked Council to consider amending the Plan to enable this company the opportunity to develop. Mr. Melvin spoke to work with the neighborhood and to their support of the proposed development.

Mr. Melvin thereupon requested Council to amend the proposed rezoning ordinance by adding the following condition: "Prior to the connection of Lewiston Road north of the property to Fleming Road, the collective development on the northern tracts shown in the zoning sketch plan (Tracts 2 & 3) shall be limited to 60% of the total maximum square footage in each use category. A health/fitness club, a theater, and a hotel shall be excluded from this limitation. The limitations stated in this condition shall terminate upon completion of construction and connection of Lewiston Road (north of the subject development) to Fleming Road." Councilmember Carmany moved to amend the ordinance as requested by Mr. Melvin. The motion was seconded by Councilmember Perkins and adopted unanimously by voice vote of Council. Council discussed with Mr. Melvin the timeframe for connection of the above roadway.

Rod Young, Director of Development for Zimmer Development Company, 111 Princess Street, Wilmington, NC, spoke in favor of the Comprehensive Plan amendment, annexation and zoning; provided a history

of the company and its developments; used a map to illustrate fast growth and ongoing development in the northwest; detailed the proposed development on various tracts of this property and roadway improvements; and stated the nearby intersection and roadway operated at an acceptable level of service.

There being no additional speakers, Councilmember Johnson moved to close the public hearing on the three items. The motion was seconded by Councilmember Gatten and adopted unanimously by voice vote of Council.

Mr. Hails reviewed criteria staff used to determine if an amendment to the Comprehensive Plan was warranted and stated that staff did not find a compelling justification to change the Comprehensive Plan. He spoke to the review of surrounding shopping areas, noted the need to maintain this area for possible future corporate park uses, offered opinions with respect to conditions in the proposed zoning ordinance, and stated staff recommended denial of the request to amend the Comp Plan. He stated that staff felt the conditions attached to the proposed development would result in a good quality project; however, because staff didn't feel the overall comprehensive plan amendment was justified, staff would recommend denial of the comp plan amendment and the zoning. He also reviewed Planning Board and Zoning Commission meetings and recommendations with respect to the items.

Members of Council offered various opinions and discussed issues related to the proposed development and the overall area; i.e., the future removal of Inman Road, timeframe for development, current and future traffic patterns, the impact the Outer Loop will have on the area, and the conditions in the proposed ordinance. Discussion was also held with regard to concern with the rationale for staff's recommendations; i.e., to hold the property involving 30 property owners because potential businesses (Fed Ex spinoff) might want to develop, the statement that residents services were available in nearby areas when the proposed development would offer neighborhood services in the neighborhood, the concern with staff's recommendations and the thought that the development could have been stopped after discussions with City staff, history of owners' attempts to sell and develop the property, and the belief that this development would be an asset to the community.

Councilmember Phillips moved adoption of the ordinance amending the Generalized Future Land Use Map (Figure 4-2) of the Greensboro Connections 2025 Comprehensive Plan for a portion of the property on the north side of Fleming Road, west of Briarbend Road and the terminus of Chance Road, and south of the Greensboro Western Loop. The motion was seconded by Councilmember Gatten and adopted on the following roll call vote: Ayes: Bellamy-Small, Burroughs-White, Carmany, Gatten, Holliday, Johnson, Perkins, Phillips and Vaughan. Noes: None.

#### 05-64 AMENDING THE GREENSBORO CONNECTIONS 2025 COMPREHENSIVE PLAN

AN ORDINANCE AMENDING THE GENERALIZED FUTURE LAND USE MAP OF THE GREENSBORO CONNECTIONS 2025 COMPREHENSIVE PLAN, INCORPORATED BY REFERENCE IN THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO ZONING, PLANNING AND DEVELOPMENT CHAPTER 30, SECTION 30-1-10

WHEREAS, the City Council adopted the *Greensboro Connections 2025 Comprehensive Plan* on May 6, 2003 which contains a Generalized Future Land Use Map, and is labeled Figure 4-2; and

WHEREAS, an amendment to that as shown on the attached map to change the land use classification from Low Residential, Mixed Use Corporate Park, and Industrial/Corporate Park to Mixed Use Commercial for a portion of the property on the north side of Fleming Road, west of Briarbend Road and the terminus of Chance Road, and south of the Greensboro Western Loop; and

WHEREAS, this amendment was considered at the March 14, 2005 joint Planning Board and Zoning Commission meeting and, after a public hearing received an unfavorable recommendation from the Planning Board by a vote of 4 to 2.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO, NORTH CAROLINA, that the Generalized Future Land Use Map Figure 4-2 is amended as follows:

Section 1. The Generalized Future Land Use Map Figure 4-2 is hereby amended as shown on the attached map.

Section 2. All ordinances in conflict with the provisions of this ordinance are repealed to the extent of such conflict.

Section 3. This ordinance shall become effective on April 5, 2005.

(Signed) Thomas M. Phillips

.....

Councilmember Burroughs-White moved adoption of the ordinance annexing territory to the corporate limits located at Fleming Road and Chance Road—63.76 acres. The motion was seconded by Councilmember Phillips and adopted on the following roll call vote: Ayes: Bellamy-Small, Burroughs-White, Carmany, Gatten, Holliday, Johnson, Perkins, Phillips and Vaughan. Noes: None.

05-65 AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (LOCATED AT FLEMING ROAD AND CHANCE ROAD – 63.76 ACRES)

Section 1. Pursuant to G.S. 160A-31, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at a point in the existing city limits (as of February 28, 2005) of the City of Greensboro, said point being in the southwestern right-of-way line of Fleming Road; THENCE DEPARTING FROM THE EXISTING CITY LIMITS in a northwesterly direction along the western right-of-way line of Fleming Road the following 4 courses and distances: 1) N 46° 59' 28" W 141.55 feet to a point, 2) N 50° 08' 35" W 95.56 feet to a point, 3) N 57° 13' 33" W 96.91 feet to a point, and (4) N 63° 07' 40" W 29.52 feet to a point; thence crossing Fleming Road N 26° 52' 20" E 58.38 feet to a point on its northeast margin; thence along said northeast margin N 63° 07' 40" W 63.35 feet to a point at the recorded southeast property corner of Thelma S. Burritt, as recorded at Deed Book 3856, Page 684 in the Office of the Register of Deeds of Guilford County; thence along the east line of said Burritt the following 3 courses and distances: 1) N 12° 45' 30" W 471.01 feet to a point, 2) N 4° 26' 00" W 727.40 feet to a point, and 3) N 5° 08' 32" W 258.89 feet to a point at the recorded southwest corner of the North Carolina Department of Transportation (NCDOT), as recorded at Deed Book 4756, Page 1934 in the Office of the Register of Deeds; thence along the south line of the NCDOT S 82° 44' 00" E 200.00 feet to NCDOT's southeast corner; thence along the east line of the NCDOT N 4° 26' 00" W 260.00 feet to a point in the south property line of Guilford County, as recorded at Deed Book 2160, Page 17 in the Office of the Register of Deeds; thence along said south line S 82° 44' 00" E 68.40 feet to the southeast corner of said property of Guilford County; thence along the east line of Guilford County N 1° 15' 00" W 289.70 feet to a point in the south property line of Teddy W. and Ruth P. Jessup, as recorded at Deed Book 2899, Page 684 in the Office of the Register of Deeds; thence along the south line of Jessup S 82° 02' 00" E 975.40 feet to the southwest corner of Cap and Marie Q. Stanley, as recorded at Deed Book 2159, Page 453 in the Office of the Register of Deeds; thence along the south line of Stanley the following 3 courses and distances: 1) N 42° 58' 00" E 93.10 feet to a point, 2) S 59° 03' 00" E 89.10 feet to a point, and 3) S 45° 49' 00" E 115.50 feet to a point in the existing city limits, said point being the northwest corner of property dedicated to the City of Greensboro in Meadowbriar Subdivision, as recorded in Plat Book 95, Pages 32-34 in the Office of the Register of Deeds; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS in a southerly direction with a stream approximately 1,940 feet to a point in the north line of Portrait Homes – McAllister Place, LLC, as recorded in Deed Book 6004, Page 1209 in the Office of the Register of Deeds; thence with the north line of Portrait Homes – McAllister Place, LLC S 77° 27' 00" W approximately 1,250 feet to the point and place of BEGINNING, and containing approximately 63.76 acres.

Section 2. The owners agree to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property

annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owners shall be fully responsible for extending water and sewer service to the property at said owners' expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after June 30, 2005, the liability for municipal taxes for the 2005-2006 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after June 30, 2005.

(Signed) Claudette Burroughs-White

.....

Councilmember Phillips moved adoption of the ordinance establishing original zoning classification from County Zoning Agricultural, RS-40 Residential single Family, and Conditional Use-General Officer Moderate Intensity to City Zoning Conditional District—Planned Unit Development—Mixed, as amended, for property located on the north side of Fleming Road west of Briarbend Road and the terminus of Chance Road, and south of the Greensboro Western Urban Loop. The amended ordinance was adopted on the following roll call vote: Ayes: Bellamy-Small, Burroughs-White, Carmany, Gatten, Holliday, Perkins, Phillips and Vaughan. Noes: None.

#### 05-66 AMENDING OFFICIAL ZONING MAP

NORTH SIDE OF FLEMING ROAD WEST OF BRIARBEND DRIVE AND THE TERMINUS OF CHANCE ROAD, AND SOUTH OF THE GREENSBORO WESTERN URBAN LOOP

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by establishing original zoning from County Zoning Agricultural, RS-40 Residential Single Family and Conditional Use – General Office Moderate Intensity to City Zoning Conditional District – Planned Unit Development - Mixed (subject to those conditional uses with limitations as set forth in Sections 2, 3 and 4 of this ordinance) the area described as follows:

BEGINNING at a point in the existing city limits (as of February 28, 2005) of the City of Greensboro, said point being in the southwestern right-of-way line of Fleming Road; THENCE DEPARTING FROM THE EXISTING CITY LIMITS in a northwesterly direction along the western right-of-way line of Fleming Road the following 4 courses and distances: 1) N 46° 59' 28" W 141.55 feet to a point, 2) N 50° 08' 35" W 95.56 feet to a point, 3) N 57° 13' 33" W 96.91 feet to a point, and (4) N 63° 07' 40" W 29.52 feet to a point; thence crossing Fleming Road N 26° 52' 20" E 58.38 feet to a point on its northeast margin; thence along said northeast margin N 63° 07' 40" W 63.35 feet to a point at the recorded southeast property corner of Thelma S. Burritt, as recorded at Deed Book 3856, Page 684 in the Office of the Register of Deeds of Guilford County; thence along the east line of said Burritt the following 3 courses and distances: 1) N 12° 45' 30" W 471.01 feet to a point, 2) N 4° 26' 00" W 727.40 feet to a point, and 3) N 5° 08' 32" W 258.89 feet to a point at the recorded southwest corner of the North Carolina Department of Transportation (NCDOT), as recorded at Deed Book 4756, Page 1934 in the Office of the Register of Deeds; thence along the south line of the NCDOT S 82° 44' 00" E 200.00 feet to NCDOT's southeast corner; thence along the east line of the NCDOT N 4° 26' 00" W 260.00 feet to a point in the south property line of Guilford County, as recorded at Deed Book 2160, Page 17 in the Office of the Register of Deeds; thence along said south line S 82° 44' 00" E 68.40 feet to the southeast corner of said property of Guilford County; thence along the east line of Guilford County N 1° 15' 00" W 289.70 feet to a point in the south property line of Teddy W. and Ruth P. Jessup, as recorded at Deed Book 2899, Page 684 in the Office of the Register of Deeds; thence along the south

line of Jessup S 82° 02' 00" E 975.40 feet to the southwest corner of Cap and Marie Q. Stanley, as recorded at Deed Book 2159, Page 453 in the Office of the Register of Deeds; thence along the south line of Stanley the following 3 courses and distances: 1) N 42° 58' 00" E 93.10 feet to a point, 2) S 59° 03' 00" E 89.10 feet to a point, and 3) S 45° 49' 00" E 115.50 feet to a point in the existing city limits, said point being the northwest corner of property dedicated to the City of Greensboro in Meadowbriar Subdivision, as recorded in Plat Book 95, Pages 32-34 in the Office of the Register of Deeds; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS in a southerly direction with a stream approximately 1,940 feet to a point in the north line of Portrait Homes – McAllister Place, LLC, as recorded in Deed Book 6004, Page 1209 in the Office of the Register of Deeds; thence with the north line of Portrait Homes – McAllister Place, LLC S 77° 27' 00" W approximately 1,250 feet to the point and place of BEGINNING, and containing approximately 63.76 acres.

Section 2. That the original zoning of Conditional District – Planned Unit Development - Mixed is hereby authorized subject to the following use limitations and conditions:

- 1) On Tract 1, as shown on the Zoning Sketch Plan entitled “CD-PDM Sketch Plan Fleming Road at Chance Road, Friendship Township, Guilford County, Greensboro, North Carolina”, there will be a maximum of 105,000 square feet of retail space on 16.2± acres having a maximum building height of thirty feet (30’).
- 2) On Tract 2, there will be a maximum of 70,000 square feet of retail space and a maximum of 75,000 square feet of office/corporate space on 14.5± acres having a maximum building height of eighty (80’).
- 3) On Tract 3, there will be a maximum of 15,000 square feet of retail space and a maximum of 100,000 square feet of office/corporate space on 7.3± acres with a maximum building height of (80’).
- 4) On Tract 4, there will be a maximum of 160 residential units designed for sale on 12.8± acres with a maximum building height of fifty (50’).
- 5) There shall be no connection between this property and Huntington Subdivision (also known as Meadowbriar Subdivision).
- 6) A buffer having a minimum width of 75 feet (75') shall be provided along the property line abutting Huntington Subdivision.
- 7) All residential units shall be designed for sale.
- 8) All exterior lighting fixtures in parking areas and driveways shall utilize cutoff shields or other appropriate measures to reduce spillover glare beyond the boundaries of the property.
- 9) Where buildings are visible from the Huntington Subdivision, the following methods shall be used to minimize the impact on the Huntington Subdivision:
  - a. Additional Landscaping shall be placed in areas where the sides and rear of buildings are visible from Huntington Subdivision.
  - b. Full height parapet walls shall be used to fully screen any rooftop equipment from view from Huntington Subdivision.
  - c. HVAC units, loading docks, trash collection and other service areas shall be designed to match the elements of the building architecture and landscaping plan. These areas shall also be screened from view using fencing or additional tree/plant material.
- 10) All buildings in the development adjacent to Huntington Subdivision will:
  - a. Maintain a consistent architectural theme throughout the development.
  - b. Utilize brick within the exterior building facade to provide visual interest. A minimum of 30% shall be required.
- 11) Prior to the connection of Lewiston Road north of the property to Fleming Road, the collective development on the northern tracts shown in the zoning sketch plan (Tracts 2 & 3) shall be limited to 60% of the total maximum square footage in each use category. A health/fitness club, a theater, and a hotel shall be excluded from this limitation. The limitations stated in this condition shall terminate upon completion of construction and connection of Lewiston Road (north of the subject development) to Fleming Road.

Section 3. This property will be perpetually bound to the uses authorized and subject to such conditions as imposed, unless subsequently changed or amended as provided for in Chapter 30 of the Greensboro Code of Ordinances. Final plans for any development shall be submitted to the Technical Review Committee for approval.



Section 4. Any violations or failure to accept any conditions and use limitations imposed herein shall be subject to the remedies provided in Chapter 30 of the Greensboro Code of Ordinances.

Section 5. This ordinance shall be effective on the date of annexation.

(Signed) Thomas M. Phillips

.....

Mayor Holliday stated that this was the time and place set for a public hearing to consider an ordinance annexing territory to the corporate limits located at 157 Flemingfield Road—44.33 acres. He thereupon introduced so these matters could be discussed together, an ordinance establishing original zoning classification from County Zoning RS-30 Residential Single Family to City Zoning Conditional District—RM-18 Residential Multifamily for property located on the west side of Flemingfield Road between Huffine Mill Road and Burlington Road.

Mr. Hails used a map of the site and surrounding property to illustrate the request, read the conditions contained in the proposed zoning ordinance and stated the Zoning Commission had recommended approval of the zoning.

Mayor Holliday asked if anyone wished to be heard.

Tom Terrell, Attorney with offices at 300 North Greene Street, spoke in favor of the annexation and original zoning. He described the property and surrounding area that he believed was urban in nature, reviewed the zoning proposal, spoke to meetings with area residents, offered a brief history of the property and requested Council to approve both items.

Stating she believed the development would have a negative impact on residents in the area, Valerie Niles, residing at 2008 Lynn Road, expressed concern with respect to environmental issues; i.e., removal of trees, wildlife, pollution, etc. She offered personal thoughts with respect to the financial benefits of this development to the developer and the cost to taxpayers.

Jay McDaniel, 2110 Huffine Mill Road, spoke in opposition, offered his personal thoughts about the development and advised County residents did not want to live near the City.

Councilmember Carmany moved to close the public hearing on the two items. The motion was seconded by Councilmember Perkins and adopted unanimously by voice vote of Council.

Mr. Hails spoke to future land use recommendations, development in the area, buffer requirements to provide protection to residential areas, etc. In response to Council inquiries, he advised that City regulations would be applicable with regard to perennial streams and wetlands.

Some members of Council discussed the fact that this is a transition area, to concerns with regard to density of the development, buffers for residential areas, and types of development in East Greensboro.

Councilmember Phillips moved adoption of the ordinance annexing territory to the corporate limits located at 157 Flemingfield Road—44.33 acres. The motion was seconded by Councilmember Perkins; the ordinance was adopted on the following roll call vote: Ayes: Bellamy-Small, Burroughs-White, Carmany, Gatten, Holliday, Johnson, Perkins, Phillips and Vaughan. Noes: None.

05-67 AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (LOCATED AT 157 FLEMINGFIELD ROAD – 44.33 ACRES)

Section 1. Pursuant to G.S. 160A-58.1, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at a point in the existing Greensboro city limit line (as of February 28, 2005), said point being in the east line of Lot 1 of K-mart Center #8288, as recorded at Plat Book 150, Page 115 in the Office of the Register of Deeds of Guilford County, said point being the southwest corner of Tract VII of the Jack Fleming Estate, as recorded at Deed Book 6107, Page 637 in the Office of the Register of Deeds; THENCE DEPARTING FROM THE EXISTING CITY LIMITS with the south line of the Jack Fleming Estate S 86° 36' 04" E 1,564.93 feet to a point on the west right-of-way line of Flemingfield Road, the same being the southeast corner of the Jack Fleming Estate; thence with said right-of-way line along a curve to the left with a radius of 1,046.45 feet, a chord bearing a distance of S 85° 03' 32" E 90.01 feet to an existing iron pin; thence continuing with said right-of-way line S 20° 53' 12" E 502.15 feet to the northeast corner of Donald G. Pruitt, as recorded in Deed Book 4746, Page 130 (also see Deed Book 4745, Page 437); thence with the north line of Pruitt, S 70° 13' 10" W 240.00 feet to the northwest corner of Pruitt; thence continuing with the west line of Pruitt S 11° 50' 40" E 528.07 feet to point in the north line of The Lee Companies, LLC, as recorded in Deed Book 5708, Page 153; thence with the north line of The Lee Companies N 84° 18' 48" W 601.22 feet to the northwest corner for The Lee Companies, LLC and the northeast corner of Walter L. Bigelow and Mary L. Bigelow, as recorded in Deed Book 2067, Page 579; thence with Bigelow's north line N 85° 11' 02" W 843.11 feet to the northwest corner of Bigelow and the northeast corner of property now or formerly owned by Fannie Taylor, as described in Deed Book 262, Page 275; thence with the north line of Taylor N 85° 11' 02" W 269.60 feet to Taylor's northwest corner on the east line of K-mart Center, a point on the existing Greensboro city limits; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS with the line of K-mart N 2° 12' 04" E 1,135.82 feet to the point of beginning, and containing 44.33 acres more or less.

Section 2. The owner agrees to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owner shall be fully responsible for extending water and sewer service to the property at said owner's expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after June 30, 2005, the liability for municipal taxes for the 2005-2006 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after June 30, 2005.

(Signed) Thomas M. Phillips

.....

Councilmember Carmany moved adoption of the ordinance establishing original zoning classification from County Zoning RS-30 Residential Single Family to City Zoning Conditional District—RM-18 Residential Multifamily for property located on the west side of Flemingfield Road between Huffine Mill Road and Burlington Road. The motion was seconded by Councilmember Vaughan; the ordinance was adopted on the following roll call vote: Ayes: Carmany, Gatten, Holliday, Perkins, Phillips and Vaughan. Noes: Bellamy-Small, Burroughs-White and Johnson.

05-68 AMENDING OFFICIAL ZONING MAP

WEST SIDE OF FLEMINGFIELD ROAD BETWEEN HUFFINE MILL ROAD AND BURLINGTON ROAD

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by establishing original zoning from County Zoning RS-30 Residential Single Family to City Zoning Conditional District – RM-18 Residential Multifamily (subject to those conditional uses with limitations as set forth in Sections 2, 3 and 4 of this ordinance) the area described as follows:

BEGINNING at a point in the existing Greensboro city limit line (as of February 28, 2005), said point being in the east line of Lot 1 of K-mart Center #8288, as recorded at Plat Book 150, Page 115 in the Office of the Register of Deeds of Guilford County, said point being the southwest corner of Tract VII of the Jack Fleming Estate, as recorded at Deed Book 6107, Page 637 in the Office of the Register of Deeds; THENCE DEPARTING FROM THE EXISTING CITY LIMITS with the south line of the Jack Fleming Estate S 86° 36' 04" E 1,564.93 feet to a point on the west right-of-way line of Flemingfield Road, the same being the southeast corner of the Jack Fleming Estate; thence with said right-of-way line along a curve to the left with a radius of 1,046.45 feet, a chord bearing a distance of S 85° 03' 32" E 90.01 feet to an existing iron pin; thence continuing with said right-of-way line S 20° 53' 12" E 502.15 feet to the northeast corner of Donald G. Pruitt, as recorded in Deed Book 4746, Page 130 (also see Deed Book 4745, Page 437); thence with the north line of Pruitt, S 70° 13' 10" W 240.00 feet to the northwest corner of Pruitt; thence continuing with the west line of Pruitt S 11° 50' 40" E 528.07 feet to point in the north line of The Lee Companies, LLC, as recorded in Deed Book 5708, Page 153; thence with the north line of The Lee Companies N 84° 18' 48" W 601.22 feet to the northwest corner for The Lee Companies, LLC and the northeast corner of Walter L. Bigelow and Mary L. Bigelow, as recorded in Deed Book 2067, Page 579; thence with Bigelow's north line N 85° 11' 02" W 843.11 feet to the northwest corner of Bigelow and the northeast corner of property now or formerly owned by Fannie Taylor, as described in Deed Book 262, Page 275; thence with the north line of Taylor N 85° 11' 02" W 269.60 feet to Taylor's northwest corner on the east line of K-mart Center, a point on the existing Greensboro city limits; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS with the line of K-mart N 2° 12' 04" E 1,135.82 feet to the point of beginning, and containing 44.33 acres more or less.

Section 2. That the original zoning of Conditional District – RM-18 Residential Multifamily is hereby authorized subject to the following use limitations and conditions:

- 1) All uses allowed within the RM-18 zoning district shall be excluded except single family and multifamily residential.
- 2) Site conditions and modifications recommended by the Traffic Impact Study shall be incorporated into the site plan.
- 3) Total density shall be at least 5.5 dwelling units per acre, but shall not exceed 6.5 dwelling units per acre.
- 4) At least 130 but not more than 195 of the dwelling units shall be single family homes.

Section 3. This property will be perpetually bound to the uses authorized and subject to such conditions as imposed, unless subsequently changed or amended as provided for in Chapter 30 of the Greensboro Code of Ordinances. Final plans for any development shall be submitted to the Technical Review Committee for approval.

Section 4. Any violations or failure to accept any conditions and use limitations imposed herein shall be subject to the remedies provided in Chapter 30 of the Greensboro Code of Ordinances.

Section 5. This ordinance shall be effective on the date of annexation.

(Signed) Sandy Carmany

.....

Mayor Holliday declared a recess at 7:38 pm.

The meeting reconvened at 7:58 pm.

.....

Mayor Holliday stated that this was the time and place for a public hearing to consider an ordinance annexing territory to the corporate limits on East Lee Street and northeastward and southwestward along new I-85—596 acres. He thereupon introduced so these matters could be discussed together an ordinance establishing original zoning classification from County Zoning Agricultural to City Zoning Conditional District—Planned Unit Development—Residential for property located on the south side of East Lee Street and on the north side of the Greensboro Urban Loop between Rothwood Acres Drive and Glen Laurel Drive, and an ordinance establishing original zoning classification from County Zoning Agricultural, RS-40 Residential Single Family, Limited Business and Highway Business to City Zoning RS-12 Residential Single Family for a portion of the Greensboro Urban Loop from the eastern end of the new I-85—South Elm-Eugene Street interchange to the existing satellite city limits.

Mr. Hails reviewed the request for annexation and zoning, explained the City's annexation process with regard to petitions for annexation of contiguous and satellite properties and how adjacent property owned by a non-profit organization, in this case by North Carolina Department of Transportation (NCDOT), could be added onto a petition to expand the initial area of annexation; he cited recent annexations in which this process had been used. After brief discussion was held with regard to the use of NCDOT property as non-profit, the Assistant City Attorney confirmed that the Institute of Government supported this opinion.

Mr. Hails spoke to County citizens' concerns with regard to the impact this rezoning of a portion of the loop would have on surrounding County property. He explained this involved this portion of the loop runs through County zoning on both sides. He spoke to meetings with the County Attorney that confirmed that this action would not affect development lines of adjacent County property. Discussion was held with regard to the fact that the City Council could not enforce city ordinances on County property. In response to Council inquiries, Mr. Hails explained the rationale for the requested zoning for the loop in keeping with the majority use along this portion of the loop and stated the City's scenic corridor regulations would not apply to the adjacent property as long as it remained in the County.

Using a map and photographs, Mr. Hails illustrated the property and surrounding area, and read the conditions contained in the zoning ordinance; he noted the Zoning Commission had voted in favor of the first zoning for property located on the south side of East Lee Street and the north side of the Urban Loop, and had recommended denial of the Zoning for a portion of the Urban Loop near new I-85—South Elm-Eugene Street interchange.

Mayor Holliday asked if anyone wished to speak to these items.

John Higgins, Attorney with offices at 101 West Friendly Avenue and representing the owner of 48 acres of the property proposed for annexation, expressed concern with regard to the combination of two properties proposed for annexation; he expressed the preference that the two properties be separated for consideration by Council.

After discussion with the Assistant City Attorney with regard to the separation of the two properties in the proposed annexation item, he advised that Council could consider the properties separately as long as the items were advertised and adequate notice had been provided to surrounding property owners. It was the consensus of Council that the following properties proposed for annexation would be considered separately: 1) Ordinance annexing territory to the corporate limits located on East Lee Street and Northeastward and Southwestward along new I-85—48.34 acres and 2) Ordinance annexing territory to the corporate limits located on East Lee Street and Northeastward and Southwestward along new I-85—548 acres. The Mayor explained the manner in which Council would consider each annexation and related original zoning.

Mr. Higgins spoke in favor of the annexation of the 48.34 acres and related zoning, used maps to illustrate the property and surrounding area, stated that this annexation and zoning would have minimal impact on traffic at the nearby intersection, spoke to actions the developer would consider in the development to enhance safety in the area, stated this was the best use of the property and was in compliance with the Comprehensive Plan recommendations for the area.

Brandon Ackley, residing at 3915 East Lee Street, spoke in opposition to the annexation and zoning, expressed personal concerns with the negative impact he believed the proposed development would have on his neighborhood; i.e., noise, privacy, increased traffic, smaller development lots, and property value.

After the Mayor requested a vote to close the public hearing on items 14a (annexation of 48.34 acres) and 15, the public hearing was closed unanimously by voice vote of Council.

Mr. Hails stated the annexation and zoning conformed to the Comprehensive land use plan that are connected to water and sewer service and staff recommended approval.

After discussion with regard to NCDOT's responsibility to implement changes on state highways, Councilmember Phillips moved adoption of the ordinance annexing territory to the corporate limits (located on East Lee Street and northeastward and southwestward along new I-85—48.34 acres). The motion was seconded by Councilmember Carmany; the ordinance was adopted on the following roll call vote: Ayes: Bellamy-Small, Burroughs-White, Carmany, Gatten, Holliday, Johnson, Perkins, Phillips and Vaughan. Noes: None.

**05-69 AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (LOCATED ON EAST LEE STREET AND NORTHEASTWARD AND SOUTHWESTWARD ALONG NEW I-85 – 48.34 ACRES)**

Section 1. Pursuant to G.S. 160A-58.1, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at a point in the northern line of that property acquired and still held by the NCDOT in fee simple for the construction of the New Interstate 85 (hereinafter referred to as the NCDOT New I-85 property), said point being the southeast corner of the Dorothy E. Causey et al tract, as described in Deed Book 5697, Page 1126 in the Office of the Register of Deeds of Guilford County; thence with the east line of said Causey tract N 1° 34' 24" E 485.11 feet to the southwest corner of W. Robert Tilyard, Jr. and Martha B. Tilyard, as described in Deed Book 4618, Page 1495 in the Office of the Register of Deeds; thence with the south line of Tilyard S 89° 11' 46" E 363.59 feet to the southwest corner of Howard Jackson Welch, as described in Deed Book 4018, Page 345 in the Office of the Register of Deeds; thence with Welch's south line S 89° 11' 46" E 175 feet to Welch's southeast corner; thence with Welch's east line N 1° 58' 14" E 611 feet to a point; thence N 12° 10' 00" W 93.52 feet to the southwest corner of Joseph E. Moineau, as described in Deed Book 3460, Page 1531 in the Office of the Register of Deeds; thence with Moineau's south line S 71° 19' 00" E 259.78 feet to Moineau's southeast corner; thence with Moineau's east line N 1° 44' 01" E 250 feet to a point in the south right-of-way line of East Lee Street; thence with the south right-of-way line of East Lee Street the following 10 courses and distances: 1) S 65° 39' 00" E 350 feet to a point, 2) S 65° 39' 00" E 250 feet to a point, 3) S 65° 48' 16" E 347.46 feet to a point, 4) S 65° 39' 00" E 257.32 feet to a point, 5) S 75° 27' 00" E 113.68 feet to a point, 6) S 86° 08' 00" E 40.97 feet to a point, 7) N 87° 37' 00" E 105.89 feet to a point, 8) N 80° 24' 00" E 103.06 feet to a point, 9) N 76° 23' 51" E 98.39 feet to a point, and 10) N 76° 08' 51" E 60.52 feet to a common corner with the property of Bernard F. and Hazel B. Aydelette, as described in Deed Book 3275, Page 454 in the Office of the Register of Deeds; thence with Aydelette's west line S 20° 47' 06" E 435.59 feet to Aydelette's southwest corner; thence with Aydelette's south line N 67° 48' 27" E 291.38 feet to a common corner with Brian L. and Donna D. Welker, as described in Deed Book 4897, Page 1955 in the Office of the Register of Deeds; thence with Welker's west line S 11° 44' 43" E 325.22 feet to a point and S 53° 30' 06" W 42.93 feet to a point in the northern line of the NCDOT New I-85 property; thence with the northern line of the NCDOT New I-85 property S 85° 17' 08" W 2,883.34 feet to the point and place of BEGINNING, and containing approximately 48.34 acres.

Section 2. The owner agrees to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property

annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owner shall be fully responsible for extending water and sewer service to the property at said owners' expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after June 30, 2005, the liability for municipal taxes for the 2005-2006 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after June 30, 2005.

(Signed) Thomas M. Phillips

.....

Councilmember Phillips moved adoption of the ordinance establishing original zoning classification from County Zoning Agricultural to City Zoning Conditional District—Planned Unit Development—Residential for property located on the south side of East Lee Street and on the north side of the Greensboro Urban Loop between Rothwood Acres Drive and Glen Laurel Drive. The motion was seconded by Councilmember Carmany; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Johnson, Perkins, Phillips and Vaughan. Noes: Bellamy-Small.

#### 05-70 AMENDING OFFICIAL ZONING MAP

#### SOUTH SIDE OF EAST LEE STREET AND NORTH SIDE OF THE GREENSBORO URBAN LOOP BETWEEN ROTHWOOD ACRES DRIVE AND GLEN LAUREL DRIVE

#### BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by establishing original zoning from County Zoning Agricultural to City Zoning Conditional District – Planned Unit Development - Residential (subject to those conditional uses with limitations as set forth in Sections 2, 3 and 4 of this ordinance) the area described as follows:

BEGINNING at a point in the northern line of that property acquired and still held by the NCDOT in fee simple for the construction of the New Interstate 85 (hereinafter referred to as the NCDOT New I-85 property), said point being the southeast corner of the Dorothy E. Causey et al tract, as described in Deed Book 5697, Page 1126 in the Office of the Register of Deeds of Guilford County; thence with the east line of said Causey tract N 1° 34' 24" E 485.11 feet to the southwest corner of W. Robert Tilyard, Jr. and Martha B. Tilyard, as described in Deed Book 4618, Page 1495 in the Office of the Register of Deeds; thence with the south line of Tilyard S 89° 11' 46" E 363.59 feet to the southwest corner of Howard Jackson Welch, as described in Deed Book 4018, Page 345 in the Office of the Register of Deeds; thence with Welch's south line S 89° 11' 46" E 175 feet to Welch's southeast corner; thence with Welch's east line N 1° 58' 14" E 611 feet to a point; thence N 12° 10' 00" W 93.52 feet to the southwest corner of Joseph E. Moineau, as described in Deed Book 3460, Page 1531 in the Office of the Register of Deeds; thence with Moineau's south line S 71° 19' 00" E 259.78 feet to Moineau's southeast corner; thence with Moineau's east line N 1° 44' 01" E 250 feet to a point in the south right-of-way line of East Lee Street; thence with the south right-of-way line of East Lee Street the following 10 courses and distances: 1) S 65° 39' 00" E 350 feet to a point, 2) S 65° 39' 00" E 250 feet to a point, 3) S 65° 48' 16" E 347.46 feet to a point, 4) S 65° 39' 00" E 257.32 feet to a point, 5) S 75° 27' 00" E 113.68 feet to a point, 6) S 86° 08' 00" E 40.97 feet to a point, 7) N 87° 37' 00" E 105.89 feet to a point, 8) N 80° 24' 00" E 103.06 feet to a point, 9) N 76° 23' 51" E 98.39 feet to a point, and 10) N 76° 08' 51" E 60.52 feet to a common corner with the property of Bernard F. and Hazel B. Aydelette, as described in Deed Book 3275, Page 454 in the Office of the Register of Deeds; thence with Aydelette's west line S 20° 47' 06" E

435.59 feet to Aydelette's southwest corner; thence with Aydelette's south line N 67° 48' 27" E 291.38 feet to a common corner with Brian L. and Donna D. Welker, as described in Deed Book 4897, Page 1955 in the Office of the Register of Deeds; thence with Welker's west line S 11° 44' 43" E 325.22 feet to a point and S 53° 30' 06" W 42.93 feet to a point in the northern line of the NCDOT New I-85 property; thence with the northern line of the NCDOT New I-85 property S 85° 17' 08" W 2,883.34 feet to the point and place of BEGINNING, and containing approximately 48.34 acres.

Section 2. That the original zoning of Conditional District – Planned Unit Development - Residential is hereby authorized subject to the following use limitations and conditions:

- 1) For residential use only.
- 2) The western portion of the subject property consisting of approximately 32.27 acres and shown as Tract "A" on the sketch plan previously submitted and approved by the Greensboro Planning Department (the "Sketch Plan") shall be developed with either townhouses or a combination of attached townhouses and detached single family residences. The total number of such residences within such Tract A shall not exceed 125.
- 3) The eastern portion of the subject property consisting of approximately 16.07 acres and shown as Tract "B" on the Sketch Plan shall be developed solely with detached single family residences, the total number of which shall not exceed 73.
- 4) Each residence to be designed for sale.
- 5) Berms are to be provided and maintained along the frontage of the development along the boundary abutting the right-of-way for East Lee Street and in between any driveways and roadways opening directly onto East Lee Street. Except where the ends of the berms shall slope downwards toward any driveway, roadway or the property line of the properties adjacent to and outside of this subject development, such berms shall be essentially 3 to 5 feet in height above the shoulder of the portions of East Lee Street immediately adjacent thereto.

Section 3. This property will be perpetually bound to the uses authorized and subject to such conditions as imposed, unless subsequently changed or amended as provided for in Chapter 30 of the Greensboro Code of Ordinances. Final plans for any development shall be submitted to the Technical Review Committee for approval.

Section 4. Any violations or failure to accept any conditions and use limitations imposed herein shall be subject to the remedies provided in Chapter 30 of the Greensboro Code of Ordinances.

Section 5. This ordinance shall be effective on the date of annexation.

(Signed) Thomas M. Phillips

.....

The Mayor noted Council would now hold the public hearing for item 14b (annexation of 547.66 acres) and the related zoning. He asked if anyone wished to be heard.

Tim Marion, residing at 1607 Ilchester Court and landowner of property along I-85, spoke in opposition to the proposed annexation and zoning, noted a petition purportedly signed by area property owners who were concerned that if this annexation were adopted, the City's scenic corridor would impact the future development of their property. He questioned the need to annex the highway, the rationale for the proposed zoning designation, and the impact the residential zoning would have on set-back requirements for landscaping for the future development of adjacent county property.

Members of Council reiterated that the City Council had no authority to mandate regulations on county property and that the zoning would have no impact on adjoining county property owners. Mr. Hails explained the rationale for the annexation to encircle the area and if the property were annexed by the City, it would consolidate the area to provide city services. Discussion was held with regard to the roadway system, the petition for annexation, and the fact that the roadway zoning would have no impact on the rezoning of county property adjacent to the loop.

Tom Monroe, residing at 5111 Mockingbird Road, offered his personal thoughts with regard to area development and offered suggestions for Council to improve the roadway.

Pat Short, residing at 4617 S. Holden Road and owner of property adjacent to I-85, spoke in opposition, noted Zoning Commission recommendations, questioned the provision of law enforcement and other services on the loop and adjacent property as well as scenic corridor requirements, and stated she believed the request should be denied.

In response to inquiries about the provision of law enforcement and fire services, the Assistant City Attorney and Fire Chief Johnny Teeters spoke to interlocal agreements with other municipalities and departments that would ensure that appropriate services would be available to this area.

Discussion was held with regard to additional information that had been provided since the Zoning Commission meeting and thoughts about how that would have impacted their decision. Councilmember Perkins noted that City rules would apply if area properties were annexed into the City; however, they would not affect the property located in Guilford County.

Kimberly Venable, residing at 4703 Rehobeth Church Road, questioned the zoning of the highway as residential and offered her thoughts with regard to the rights of property owners and the role of government.

Councilmember Carmany moved to close the public hearing on Item 16 and that portion of 14 with regard to the annexation of 548 acres on East Lee Street. The motion was seconded by Councilmember Perkins and adopted unanimously by voice vote of Council.

Mr. Hails noted staff recommendation had been provided earlier in the meeting.

After brief discussion, Councilmember Phillips moved adoption of the ordinance annexing territory to the corporate limits (located on East Lee Street and northeastward and southwestward along new I-85—548 acres). The motion was seconded by Councilmember Perkins; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Perkins, Phillips and Vaughan. Noes: Bellamy-Small and Johnson.

05-71 AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (LOCATED ON EAST LEE STREET AND NORTHEASTWARD AND SOUTHWESTWARD ALONG NEW I-85 – 548 ACRES)

Section 1. Pursuant to G.S. 160A-58.1, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at a point in the northern line of that property acquired and still held by the NCDOT in fee simple for the construction of the New Interstate 85 (hereinafter referred to as the NCDOT New I-85 property), said point being the southeast corner of the Dorothy E. Causey et al tract, as described in Deed Book 5697, Page 1126 in the Office of the Register of Deeds of Guilford County; thence with the northern line of the NCDOT New I-85 property N 85° 17' 08" E 2,883.34 feet to the southwest corner of Brian L. and Donna D. Welker, as described in Deed Book 4897, Page 1955 in the Office of the Register of Deeds; thence in a northeasterly direction with the northwestern line of the NCDOT New I-85 property approximately 11,000 feet to a point in the Greensboro satellite city limits, said point being 30 feet north of the center of pavement of McConnell Road; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS in an easterly direction with a line 30 feet north of and parallel to said centerline approximately 700 feet to its intersection with the eastern line of the NCDOT New I-85 property; THENCE DEPARTING FROM THE EXISTING CITY LIMITS in a southwesterly direction with the southeastern line of the NCDOT New I-85 property approximately 11,000 feet to a point in the center of Little Alamance Creek; thence in a southwesterly direction with the southeastern line of the NCDOT New I-85 property approximately 9,000 feet to a point in the centerline of Alamance Church Road; thence in a southwesterly direction with the southeastern line of the NCDOT New I-85 property approximately 6,000 feet to a point in the centerline of Wiley



Lewis Road; thence in a westerly direction with the southern line of the NCDOT New I-85 property approximately 20,000 feet to a point in the center of a small stream that runs under New I-85 just east of its interchange with South Elm-Eugene Street; thence in a northerly direction with the center of said stream as it is piped under New I-85 approximately 400 feet to a point on the northern line of the NCDOT New I-85 property; thence in an easterly direction with the northern line of the NCDOT New I-85 property approximately 20,000 feet to a point in the centerline of Wiley Lewis Road; thence in a northeasterly direction with the northwestern line of the NCDOT New I-85 property approximately 5,000 feet to a point in the centerline of Alamance Church Road; thence in a northeasterly direction with the northwestern line of the NCDOT New I-85 property approximately 7,000 feet to the point and place of BEGINNING, and containing approximately 548 acres.

Section 2. The owner agrees to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owner shall be fully responsible for extending water and sewer service to the property at said owners' expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after June 30, 2005, the liability for municipal taxes for the 2005-2006 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after June 30, 2005.

(Signed) Thomas M. Phillips

.....

Councilmember Phillips moved adoption of the ordinance establishing original zoning classification from County Zoning Agricultural, RS-40 Residential Single Family, Limited Business and Highway Business to City Zoning RS-12 Residential Single Family for a portion of the Greensboro Urban Loop from the eastern end of the new I-85—South Elm-Eugene Street interchange to the existing satellite city limits. The motion was seconded by Councilmember Carmany; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Perkins, and Phillips. Noes: Bellamy-Small, Johnson and Vaughan.

#### 05-72 AMENDING OFFICIAL ZONING MAP

#### PORTION OF THE GREENSBORO URBAN LOOP FROM THE EASTERN END OF THE NEW I-85 – SOUTH ELM-EUGENE STREET INTERCHANGE TO THE EXISTING SATELLITE CITY LIMITS

#### BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by establishing original zoning from County Zoning Agricultural, RS-40 Residential Single Family, Limited Business, and Highway Business to City Zoning RS-12 Residential Single Family uses for the area described as follows:

BEGINNING at a point in the northern line of that property acquired and still held by the NCDOT in fee simple for the construction of the New Interstate 85 (hereinafter referred to as the NCDOT New I-85 property), said point being the southeast corner of the Dorothy E. Causey et al tract, as described in Deed Book 5697, Page 1126 in the Office of the Register of Deeds of Guilford County; thence with the northern line of the NCDOT New I-85 property N 85° 17' 08" E 2,883.34 feet to the southwest corner of Brian L. and Donna D. Welker, as described in

Deed Book 4897, Page 1955 in the Office of the Register of Deeds; thence in a northeasterly direction with the northwestern line of the NCDOT New I-85 property approximately 11,000 feet to a point in the Greensboro satellite city limits, said point being 30 feet north of the center of pavement of McConnell Road; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS in an easterly direction with a line 30 feet north of and parallel to said centerline approximately 700 feet to its intersection with the eastern line of the NCDOT New I-85 property; THENCE DEPARTING FROM THE EXISTING CITY LIMITS in a southwesterly direction with the southeastern line of the NCDOT New I-85 property approximately 11,000 feet to a point in the center of Little Alamance Creek; thence in a southwesterly direction with the southeastern line of the NCDOT New I-85 property approximately 9,000 feet to a point in the centerline of Alamance Church Road; thence in a southwesterly direction with the southeastern line of the NCDOT New I-85 property approximately 6,000 feet to a point in the centerline of Wiley Lewis Road; thence in a westerly direction with the southern line of the NCDOT New I-85 property approximately 20,000 feet to a point in the center of a small stream that runs under New I-85 just east of its interchange with South Elm-Eugene Street; thence in a northerly direction with the center of said stream as it is piped under New I-85 approximately 400 feet to a point on the northern line of the NCDOT New I-85 property; thence in an easterly direction with the northern line of the NCDOT New I-85 property approximately 20,000 feet to a point in the centerline of Wiley Lewis Road; thence in a northeasterly direction with the northwestern line of the NCDOT New I-85 property approximately 5,000 feet to a point in the centerline of Alamance Church Road; thence in a northeasterly direction with the northwestern line of the NCDOT New I-85 property approximately 7,000 feet to the point and place of BEGINNING, and containing approximately 548 acres.

Section 2. This ordinance shall be effective on the date of annexation.

(Signed) Thomas M. Phillips

.....

Mayor Holliday stated that this was the time and place set for a public hearing to consider a resolution closing two unnamed 10-foot alleys located approximately 151 feet north of Spring Garden Street and running from the eastern right-of-way line of South Aycock Street eastward to its end, a distance of approximately 126.18 feet and located approximately 406 feet north of Spring Garden Street and running from the eastern right-of-way line of south Aycock Street eastward to its end, a distance of approximately 253 feet.

Mayor Holliday asked if anyone wished to be heard.

There being no one present desiring to speak to this matter, Councilmember Johnson moved adoption of the resolution. The motion was seconded by Councilmember Vaughan; the resolution was adopted on the following roll call vote: Ayes: Bellamy-Small, Burroughs-White, Carmany, Gatten, Holliday, Johnson, Perkins, Phillips and Vaughan. Noes: None.

64-05 RESOLUTION CLOSING TWO UNNAMED 10-FOOT ALLEYS LOCATED APPROXIMATELY 151 FEET NORTH OF SPRING GARDEN STREET AND RUNNING FROM THE EASTERN RIGHT-OF-WAY LINE OF SOUTH AYCOCK STREET EASTWARD TO ITS END, A DISTANCE OF APPROXIMATELY 126.18 FEET AND LOCATED APPROXIMATELY 406 FEET NORTH OF SPRING GARDEN STREET AND RUNNING FROM THE EASTERN RIGHT-OF-WAY LINE OF SOUTH AYCOCK STREET EASTWARD TO ITS END, A DISTANCE OF APPROXIMATELY 253 FEET

WHEREAS, the owner of all of the property abutting both sides of these two alleys, from north of Spring Garden Street has requested in writing that said alleys be closed to the general public and the City's interest therein released;

WHEREAS, a notice was duly published that a public hearing would be held by the City Council in the Council Chamber in the Municipal Office Building on Tuesday, April 5, 2005 at 6:00 p.m. on the closing of said alleys;

WHEREAS, the public hearing has now been held and no objections have been made to the closing thereof.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

1. That the City Council hereby finds as a fact that the owner of all of the property abutting both sides of the hereinafter mentioned alleys has requested in writing that said alleys be closed to the general public and the City's interest therein released.
2. That the City Council hereby finds as a fact that the closing of the alleys to the general public is not contrary to the public interest and that no individual or other party owning property in the vicinity of the alleys or in the subdivision in which the alleys are located will be deprived of the reasonable means of ingress or egress to his or its property.
3. That the following alleys are hereby permanently closed to the general public and the City's interest therein released:

TWO UNNAMED 10-FOOT ALLEYS LOCATED APPROXIMATELY 151 FEET NORTH OF SPRING GARDEN STREET AND RUNNING FROM THE EASTERN RIGHT-OF-WAY LINE OF S. AYCOCK STREET EASTWARD TO ITS END, A DISTANCE OF APPROXIMATELY 126.18 FEET AND LOCATED APPROXIMATELY 406 FEET NORTH OF SPRING GARDEN STREET AND RUNNING FROM THE EASTERN RIGHT-OF-WAY LINE OF S. AYCOCK STREET EASTWARD TO ITS END, A DISTANCE OF APPROXIMATELY 253 FEET

4. That the City of Greensboro hereby reserves a utility easement over each existing utility line located in the above mentioned street until such time as said line is no longer required by the City.

(Signed) Yvonne J. Johnson

.....

Mayor Holliday stated that this was the time and place set for a public hearing to consider a resolution authorizing economic development incentive grant for Market America, Inc. not to exceed \$30,000.

Using a PowerPoint presentation, Assistant City Manager Ben Brown reviewed the company's plans to invest \$700,000 to expand the existing facility, retain 20 current employees and add 30-35 new employees in year 2005, and provided salary information for these employees. He reviewed the expected return on the City's investment in tax revenues, spoke to the significant economic impact the company's annual convention had on Greensboro, detailed the \$30,000 incentive request to locate the added jobs and infrastructure in Greensboro vs. establishing a west coast distribution center in Utah, stated the request met two of the minimum criteria and the alternative criteria the money per job incentive and provided an economic impact analysis with regard to the request. Assistant City Manager Brown provided information to support the fact that Market America, Inc. was a good corporate citizen. (A copy of the PowerPoint presentation is filed with the following resolution and is hereby referred to and made a part of these minutes.)

Mayor Holliday asked if anyone wished to be heard.

Mark Ashley, COO of Market America, Inc., provided a history of the company that was founded in Greensboro, detailed the extraordinary growth the Company had experienced, and provided details about the company's operation and employees. He spoke to the company's dedication and contributions to Greensboro, particularly the economic impact; Mr. Ashley detailed the work with area colleges and universities and noted the potential to involve other schools in the future.

Rick Williams, residing at 253 Rockford Road, Kernersville, NC and Vice President with Market America, Inc., offered details with regard to employees and their salaries, work of the company, growth, etc.

Angel Guerrero, residing at 104 East Yester Oaks Way and an independent contractor with Market America, spoke to the expanding Hispanic market and the economic impact on Greensboro, and the company's contributions to Greensboro, the training of distributors. He detailed the potential return on the City's \$30,000 contribution and asked Council to support the request.

Daniel Richardson, residing at 2577 Branchwater Road, offered his personal thoughts about the need to provide incentives to assist local, established companies.

Councilmember Johnson moved to close the public hearing. The motion was seconded by Councilmember Bellamy-Small and adopted unanimously by voice vote of Council.

Members of Council offered individual opinions with regard to the request for incentives. Advising he had nothing against this company, Councilmember Phillips reiterated his opposition to economic incentives; both Councilmembers Phillips and Carmany expressed opposition to the use of alternative criteria for the money per job incentive.

Councilmember Bellamy-Small moved adoption of the resolution. The motion was seconded by Councilmember Johnson; the resolution was adopted on the following roll call vote: Ayes: Bellamy-Small, Burroughs-White, Gatten, Holliday, Johnson, Perkins, and Vaughan. Noes: Carmany and Phillips.

65-05 RESOLUTION AUTHORIZING ECONOMIC DEVELOPMENT INCENTIVE FUNDING FOR MARKET AMERICA, INC. NOT TO EXCEED \$30,000

WHEREAS, the City Council approved and adopted Economic Development Incentive Guidelines on December 5, 1994, and amended these guidelines on June 25, 1996, whereby the City also has New Proposed Economic Development Guidelines all of which indicate the City will participate financially in the development of a certain private and/or infrastructure improvements to promote economic development in accordance with said guidelines and proposed guidelines;

WHEREAS, Market America, Inc. is planning to expand its current facilities inside the corporate limits of the City of Greensboro;

WHEREAS, Market America, Inc., has requested that the City offer economic incentives to provide a grant reimbursement for various site improvements, which amount of participation is presently estimated at \$30,000 based on a portion of anticipated taxes to be derived by the City and new employment upon completion of the project;

WHEREAS, it is further anticipated that Market America, Inc., will invest nearly seven hundred thousand (\$700,000) dollars in improvements and equipment and employ up to 30 additional persons by December 31, 2006;

WHEREAS, a public hearing has been held in accordance with N.C.G.S. 158-7.1 setting out the particulars of the request and the public benefits to be derived from said improvements;

WHEREAS, it is deemed in the best interest of the City to enter into a participatory agreement with Market America, Inc. to share the cost of the above mentioned improvements whereby the City shall reimburse Market America, Inc., up to a maximum of \$30,000.00 based on a portion of new anticipated taxes to be received from the new project and upon the creation of new employment.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That in accordance with the City's New Proposed Economic Development Incentive Guidelines and pursuant to N.C.G.S. 158-7.1, a grant reimbursement and participatory agreement between the City of Greensboro and Market America, Inc., for site improvements and the creation of 30 new jobs by December 31, 2006 is hereby approved, and the Mayor and City Clerk are hereby authorized to execute, on behalf of the City of Greensboro, the proper agreement.

(Signed) T. Dianne Bellamy-Small

.....

Councilmember Burroughs-White moved adoption of the Consent Agenda. The motion was seconded by Councilmember Bellamy-Small; the resolution was adopted on the following roll call vote: Ayes: Bellamy-Small, Burroughs-White, Carmany, Gatten, Holliday, Johnson, Perkins, Phillips and Vaughan. Noes: None.

66-05 RESOLUTION APPROVING UTILITY AGREEMENT WITH THE NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION FOR THE U-2913B PROJECT

WHEREAS, the North Carolina Department of Transportation has prepared and adopted plans to make certain street and highway improvements with the City of Greensboro under Project U-2913B, Guilford County, said plans consisting of improvements along SR 1546 (Guilford College Road) from North of SR 1549 (MacKay Road) to south of SR 1541 (Wendover Avenue);

WHEREAS, said Department of Transportation and the City of Greensboro propose to enter into an Agreement for the above-captioned project whereby the City agrees (1) to effect the necessary adjustment of any utilities under franchise without cost to the Department of Transportation, and (2) to provide for the adjustment of any city-owned utilities without cost to the Department of Transportation, except that said Department will reimburse the City in accordance with said Department's Municipally-Owned Utility Policy;

WHEREAS, the Department agrees to acquire the right of way and construct the project in accordance with the approved project plans;

WHEREAS, the Agreement will further provide for the establishment, maintenance and enforcement of traffic operating controls for the regulation and movement of traffic on the project upon its completion.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF  
GREENSBORO:

That Project U-2913B, Guilford County, is hereby formally approved by the City Council of the City of Greensboro and that the Mayor and Clerk of the City are hereby empowered to sign and execute the Agreement with the Department of Transportation.

(Signed) Claudette Burroughs-White

.....

67-05 RESOLUTION AUTHORIZING PURCHASE OF PROPERTY OF THE HELEN S. CHANCE HEIRS  
FOR THE CARDINAL FORCE MAIN AND OUTFALL PROJECT

WHEREAS, in connection with the Cardinal Force Main and Outfall project, the property owned by the Helen S. Chance Heirs, Tax Map No. 11-694-899-3 is required by the City for said Project, said property being shown on the attached map;

WHEREAS, the required property has been appraised at a value of \$7,170.00 and the owner has agreed to settle for the price of \$17,000.00, which settlement, in the opinion of the City Council, is a fair and reasonable alternative to condemnation;

WHEREAS, the owner has agreed to convey said property to the City at the agreed price and it is deemed in the best interest of the City to acquire said property.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF  
GREENSBORO:

That the agreed price of the above mentioned portion of property in the amount of \$17,000.00 is hereby approved, and the purchase of the property in accordance with the agreed price is hereby authorized, payment to be made from Account No. 511-7062-04.6017 activity #04155.

(Signed) Claudette Burroughs-White

.....

05-73 ORDINANCE AMENDING THE FEDERAL, STATE, AND OTHER GRANTS FUND BUDGET FOR THE HUD FAIR HOUSING ASSISTANCE PROGRAM (FHAP) GRANT

Section 1:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the appropriation for the Federal, State, and Other Grants Fund Budget be increased as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-0353-01.4110	Salaries and Wages	\$25,090
220-0353-01.4510	FICA Contribution	\$ 2,387
220-0353-01.4520	Retirement Contribution	\$ 1,872
220-0353-01.4610	Health Coverage-Active	\$ 1,392
220-0353-01.4650	Dental Coverage-Active	\$ 108
220-0353-01.4710	Life Insurance-Active	\$ 351
220-0353-01.5520	Seminars/Training	<u>\$29,000</u>
TOTAL		\$60,200

And, that this increase be financed by increasing the following Federal, State, and Other Grants Fund Budget accounts:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-0353-01.7100	Federal Grant	<u>\$60,200</u>
TOTAL		\$60,200

Section 2:

And, that this ordinance should become effective upon adoption.

(Signed) Claudette Burroughs-White

.....

05-74 ORDINANCE AMENDING FY 04-05 EQUIPMENT SERVICES FUND BUDGET ALLOWING FOR THE TRANSFERRING OF FUNDS FROM SOLID WASTE MANAGEMENT BUDGET TO EQUIPMENT SERVICES BUDGET

Section 1:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the FY 04-05 Budget of the City of Greensboro is hereby amended as follows:

That the appropriation to the Equipment Services Fund be increased as follows:

<u>Account Number</u>	<u>Description</u>	<u>Amount</u>
680-1005-18.6051 05070	Licensed Vehicles	<u>\$460,000</u>
Total		\$460,000

and, that this increase be financed by increasing the following Equipment Services Fund accounts:

<u>Account Number</u>	<u>Description</u>	<u>Amount</u>
680-1005-18.9551	Transfer from Solid Waste Mgmt	<u>460,000</u>
Total		\$460,000

Section 2:

And, that this ordinance should become effective upon adoption.

(Signed) Claudette Burroughs-White

.....

68-05 RESOLUTION AUTHORIZING CITY ATTORNEY TO INSTITUTE PROCEEDINGS TO CONDEMN PORTION OF THE PROPERTY OF CEDAR CREEK MOBILE HOME PARK, LLC, IN CONNECTION WITH THE S. ELM-EUGENE STREET WIDENING PROJECT

WHEREAS, Cedar Creek Mobile Home Park, LLC is the owner of certain property located on S. Elm-Eugene Street, said property being as shown on the attached map;

WHEREAS, a portion of said property is required by the City in connection with the S. Elm-Eugene Street Widening Project;

WHEREAS, negotiations with the owners at the appraised value of \$33,545.00 have been unsuccessful and said portion of property is necessary for said project;

WHEREAS, it is deemed necessary and in the best interest of the City that the City Attorney be authorized to institute civil proceedings to condemn said portion of property and that the Director of Finance be authorized to issue a draft to the Clerk of Superior Court as compensation to the owners in the amount of \$33,545.00;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That, pursuant to Chapter 40A of the North Carolina General Statutes, the City Attorney is hereby authorized to institute condemnation proceedings to acquire said portion of property, and the Director of Finance is hereby authorized to issue a draft in the amount of \$33,545.00 to the Clerk of Superior Court as compensation to the owners, payment to be made from Account No. 441-6003-05.6012 Activity #01057.

(Signed) Claudette Burroughs-White

.....

69-05 RESOLUTION AUTHORIZING CITY ATTORNEY TO INSTITUTE PROCEEDINGS TO CONDEMN PORTION OF THE PROPERTY OF JAMES SHERRON AND DENISE SHERRON IN CONNECTION WITH THE MCKNIGHT MILL ROAD SIDEWALK PROJECT

WHEREAS, James Sherron and Denise Sherron are the owners of certain property located on McKnight Mill Road, said property being as shown on the attached map;

WHEREAS, a portion of said property is required by the City in connection with the McKnight Mill Road Sidewalk Project;

WHEREAS, negotiations with the owners at the appraised value of \$2,193.89 have been unsuccessful and said portion of property is necessary for said project;

WHEREAS, it is deemed necessary and in the best interest of the City that the City Attorney be authorized to institute civil proceedings to condemn said portion of property and that the Director of Finance be authorized to issue a draft to the Clerk of Superior Court as compensation to the owners in the amount of \$2,193.89;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That, pursuant to Chapter 40A of the North Carolina General Statutes, the City Attorney is hereby authorized to institute condemnation proceedings to acquire said portion of property, and the Director of Finance is hereby authorized to issue a draft in the amount of \$2,193.89 to the Clerk of Superior Court as compensation to the owners, payment to be made from Account No. 402-4531-01.6012 Activity #03216.

(Signed) Claudette Burroughs-White

.....

**70-05 RESOLUTION AUTHORIZING CHANGE ORDER IN CONTRACT NO. 2004-30 WITH SHARPE BROTHERS GRADING, INC. FOR VARIOUS INTERSECTION IMPROVEMENTS**

WHEREAS, Contract No. 2004-30 with Sharp Brothers Grading, Inc. provides for various intersection improvements throughout the City;

WHEREAS, due to the condition of ditch lines associated with the replacement of storm sewer line, a change in design and grading changes requiring extra excavation, stone base and asphalt leveling for several of the intersection improvements which resulted in the need for significant additional materials, thereby necessitating a change order in the contract in the amount of \$182,607.00.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That a change order in the above-mentioned contract with Sharp Brothers Grading, Inc. for the various intersection Improvements throughout the City is hereby authorized at a total cost of \$182,607.00, payment of said additional amount to be made in the amount of \$89,244.00 from Account No. 402-4531-01.6014 Activity 03217; in the amount of \$43,362.88 from Account No. 401-4531-01.6014 Activity -3222; in the amount of \$50,000.12 from Account No. 220-4562-01.6014 Activity 05096.

(Signed) Claudette Burroughs-White

.....

**71-05 RESOLUTION IN SUPPORT OF PIEDMONT GREENWAY INITIATIVE**

WHEREAS, the Piedmont Greenway Master Plan proposes nineteen mile primary greenway corridor and will link Forsyth County with Guilford County, as well as the municipalities of Greensboro, Kernersville, Oak Ridge, Summerfield and Winston-Salem;



WHEREAS, the Greenway Master Plan and proposed corridor are flexible and subject to review and input from affected local governments;

WHEREAS, greenways positively impact individuals and improve communities by:

- Providing recreation and transportation opportunities;
- Supporting economic and community development;
- Making communities better places to live by preserving and creating open spaces
- Encouraging physical fitness and healthy lifestyles;
- Creating new opportunities for outdoor recreation and non-motorized transportation;
- Strengthening local economies
- Protecting the environment, especially air quality;
- Preserving culturally and historically valuable areas

WHEREAS, the implementation of the Piedmont Greenway will require many years and the collaborative efforts of many partners and communities;

WHEREAS, when complete the Piedmont Greenway will serve as a major regional asset and a competitive advantage for the Piedmont Triad Region.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That it endorses the Piedmont Greenway Master Plan and hereby encourages all affected jurisdictions to collaborate to successfully implement the Plan.

(Signed) Claudette Burroughs-White

.....

72-05 RESOLUTION AUTHORIZING CITY ATTORNEY TO INSTITUTE PROCEEDINGS TO CONDEMN PORTION OF THE PROPERTY OF HHB & ASSOCIATES IN CONNECTION WITH THE FRIENDLY AVENUE WIDENING PROJECT

WHEREAS, HHB & Associates is the owner of certain property located on W. Friendly Avenue, said property being as shown on the attached map;

WHEREAS, a portion of said property is required by the City in connection with the Friendly Avenue Widening Project;

WHEREAS, negotiations with the owners at the appraised value of \$18,106.87 have been unsuccessful and said portion of property is necessary for said project;

WHEREAS, it is deemed necessary and in the best interest of the City that the City Attorney be authorized to institute civil proceedings to condemn said portion of property and that the Director of Finance be authorized to issue a draft to the Clerk of Superior Court as compensation to the owners in the amount of \$18,106.87;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That, pursuant to Chapter 40A of the North Carolina General Statutes, the City Attorney is hereby authorized to institute condemnation proceedings to acquire said portion of property, and the Director of Finance is hereby authorized to issue a draft in the amount of \$18,106.87 to the Clerk of Superior Court as compensation to the owners, payment to be made from Account No. 441-6003-08.6012 Activity #01063.

(Signed) Claudette Burroughs-White

.....

73-05 RESOLUTION LISTING LOANS AND GRANTS FOR CITY COUNCIL APPROVAL

WHEREAS, at its March 1<sup>st</sup> meeting City Council the City Manager was instructed to include on the regular Council Consent Agenda all loans and grants in excess of \$10,000;

WHEREAS, City Council approval is required for all loans and grants, or pass through loans or grants in excess of \$10,000 on the recommendation of agencies, non-profits, or other organizations acting on behalf of the City prior to the disbursement of funds;

WHEREAS, requests have been made for loans in excess of \$10,000, said requests are presented herewith this day.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the requests for loans in excess of \$10,000 presented herewith this day are hereby approved in accordance with the guidelines set at the March 1, 2005 council meeting.

(Signed) Claudette Burroughs-White

.....

05-75 Ordinance Section 6-23, Revised

Sec. 6-23. Fire limits.

- (a) Primary fire limits. The primary fire limits shall consist of all property in the city that is shown on a map titled "Primary Fire Limits" on record in the office of the City Clerk.
- (b) Within the primary fire limits no wooden building or structure or addition thereto shall hereafter be erected, altered, repaired, or moved (either into the limits or from one place to another within the limits), except upon the permit of the local inspection department approved by the city council and by the Commissioner of Insurance or his designee.

This ordinance will become effective upon adoption.

(Signed) Claudette Burroughs-White

.....

74-05 RESOLUTION APPROVING BID AND AUTHORIZING EXECUTION OF CONTRACT NO. 2005-28 WITH HAMLETT ASSOCIATES FOR FIRE STATION #2

WHEREAS, after due notice, bids have been received for various intersection improvements throughout the City;

WHEREAS, Hamlett Associates, a responsible bidder, has submitted the low base and alternate bid in the total amount of \$2,037,662.00 as general contractor for Contract No. 2005-28, which bid, in the opinion of the City Council, is the best bid from the standpoint of the City;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the bid hereinabove mentioned submitted by Hamlett Associates is hereby accepted, and the Mayor and City Clerk are hereby authorized to execute on behalf of the City of Greensboro a proper contract to carry the

proposal into effect, payment to be made in the amount of \$2,037,662.00 from Account No. 445-4005-01.6013, Activity Number 04192.

(Signed) Claudette Burroughs-White

(A tabulation of bids for Fire Station #2 is filed with the above resolution and is hereby referred to and made a part of these minutes.)

.....

Minutes of regular meeting of March 15, 2005 were unanimously approved.

.....

Mayor Holliday introduced an ordinance amending in the amount of \$32,091 the Federal, State and Other Grants Fund Budget for the 2004 Assistance to Firefighters—Fire Prevention and Safety Program Transit Bus Wrap Grant.

After Fire Chief Johnny Teeters briefly described the program and provided photos to illustrate how the bus would look if Greensboro received the grant, Councilmember Burroughs-White moved adoption of the ordinance. The motion was seconded by Councilmember Bellamy-Small; the ordinance was adopted on the following roll call vote: Ayes: Bellamy-Small, Burroughs-White, Carmany, Gatten, Holliday, Johnson, Perkins, Phillips and Vaughan. Noes: None.

05-76 ORDINANCE AMENDING THE FEDERAL, STATE, AND OTHER GRANTS FUND BUDGET FOR THE 2004 ASSISTANCE TO FIREFIGHTERS – FIRE PREVENTION AND SAFETY PROGRAM TRANSIT BUS WRAP GRANT

Section 1:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the appropriation for the Federal, State, and Other Grants Fund Budget be increased as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-4066-01.5239	Miscellaneous	\$10,732
220-4066-01.5413	Consultant Services	<u>\$21,360</u>
TOTAL		\$32,092

And, that this increase be financed by increasing the following Federal, State, and Other Grants Fund Budget accounts:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-4066-01.7100	Federal Grant	\$22,465
220-4066-01.9101	Transfer from General Fund	<u>\$ 9,627</u>
TOTAL:		\$32,092

Section 2:

And, that this ordinance should become effective upon adoption.

(Signed) Claudette Burroughs-White

.....

Mayor Holliday declared a recess at 10:07 p.m.

The meeting reconvened at 10:18 p.m. with all members of Council present.

.....

Mayor Holliday introduced a resolution approving amendment in the amount of \$867,306 to the Willow Oaks Infrastructure Funding Agreement with the Greensboro Housing Authority.

After Councilmember Johnson noted she had provided an update to Council with regard to this matter, Councilmember Vaughan moved adoption of the resolution. The motion was seconded by Councilmember Phillips; the resolution was adopted on the following roll call vote: Ayes: Bellamy-Small, Burroughs-White, Carmany, Gatten, Holliday, Johnson, Perkins, Phillips and Vaughan. Noes: None.

75-05 RESOLUTION APPROVING AMENDMENT TO THE WILLOW OAKS INFRASTRUCTURE FUNDING AGREEMENT WITH GREENSBORO HOUSING AUTHORITY

WHEREAS, in April, 2003 an Infrastructure Funding Agreement for Willow Oaks Phase II Infrastructure design and construction was executed between the City and the Greensboro Housing Authority;

WHEREAS, the original contract was for \$2,764,640 of which \$2,500,000 remains encumbered for the work on this project as part of the original funding;

WHEREAS, bids were received for Phase II infrastructure work and an additional \$867,306 is necessary for its completion;

WHEREAS, an Addendum to the 2003 Agreement has been prepared by staff to respond to higher than estimated construction costs and a later start date for construction and was approved by the Redevelopment Commission at their March meeting, said Addendum presented herewith this day.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the Addendum to the Willow Oaks Infrastructure Funding Agreement with Greensboro Housing Authority presented herewith this day is hereby amended to reflect the total contract price of \$3,631,946.

(Signed) Donald R. Vaughan

.....

Noting past inquiries related to the provision of various benefits by the City, Kevin Butterfield, residing at 6 St. Katherine's Circle, offered his thoughts with regard to the provision of benefits to unmarried couples and to the importance of marriage in today's society.

.....

Ronn Wilson and Wayne Willard of the Randleman Road area expressed concern with regard to recent newspaper reports that included purported Council comments at the March 22 briefing about the sale of drug paraphernalia at convenience stores in the area. They spoke to the reduction of criminal activity and overall transformation in the area, noted ongoing efforts and meetings to address problems and ensure neighborhood stability, and spoke to their personal contact with area convenience stores that determined none of the stores sold drug paraphernalia. Council discussion was held with regard to the newspaper articles and the Randleman Road area. During discussion, Councilmember Bellamy-Small requested staff to determine how many convenience stores in the City had permits to sell alcohol and allow alcohol consumption on the premises.

.....

Accompanied by a number of students representing the Greensboro Student Action Coalition, Liz Nemitz, residing at 712 Cannon Road; Steven Roden, residing at 803 West Market Street and a N.C. A&T student; and Jonathan Santos, residing at 753B Chestnut Street; shared their personal involvement and opinions with respect to the Greensboro Community Truth and Reconciliation Project, encouraged Council to talk with members of the Greensboro Truth and Reconciliation Commission and citizens involved with the project, and requested Council to endorse their work. Councilmember Perkins stated he believed the project would move forward with or without Council's endorsement.

.....

Members of Council discussed items and events of interest to the community, including a number of City events--the City's Employee Awards Breakfast, the Police Academy graduation, Greensboro Public Library, offerings, celebration of Fair Housing Month, the City's Great American Cleanup, the City's Contact Center, and Metro 9-1-1's celebration of Telecommunicators' Week.

Councilmember Vaughan spoke to accidents which had occurred at the underpass at Lee and Tate Streets and at Carolina and Northwood Streets and asked staff to investigate to determine if additional signage, etc. would be feasible.

.....

Councilmember Johnson advised Council it was her intent to appoint Goldie Wells to the Library Board when a vacancy occurred.

Councilmember Johnson requested Council to consider providing 30 minutes for Speakers from the Floor at the beginning of each Council agenda prior to the public hearing items. After brief comments, it was suggested that this item be added to a future briefing agenda for Council discussion.

Councilmember Perkins suggested that Council might consider beginning the council meetings at an earlier time.

.....

Councilmember Carmany spoke to earlier Council discussion with regard to the consideration of appointing alternate members to a number of boards and commission. It was suggested that this matter be added to a future briefing agenda for discussion, and staff was requested to research criteria for appointment of alternates from other cities.

.....

Councilmember Perkins moved to appoint Sandra Anderson to the Greensboro Board of Adjustment to fill the unexpired portion of term of Joyce Lewis, resigned; this term will expire 15 June 2006. The motion was seconded by Councilmember Carmany and adopted unanimously by voice vote of Council.

Noting that Bryan Park was located inside the City Limits of Greensboro, Councilmember Perkins requested the Manager to contact the News & Record Sports Editor to ensure that future newspaper articles use the Greensboro byline (not Brown Summit) in future articles with regard to events at the Park.

.....

Councilmember Phillips offered his personal thoughts with regard to the North Carolina Department of Transportation's response to the Council's request to address existing safety issues in the Young's Mill Road area.

Mentioning Council's discussion about Project 2024 in the Randleman Road area and the outstanding service provided by the Police Department, Councilmember Phillips suggested that Council might provide additional tools for the Police Department to use. He thereupon requested the City Attorney to prepare an ordinance for Council's consideration prohibiting the sale of drug stems intended for illegal drug use and establishing civil penalties for violations and suggested that Charlotte's ordinance might be used as an example. It appeared that Council did not oppose the request.

Expressing concern with regard to the operation of certain illegal businesses in Greensboro, Councilmember Phillips offered his opinion that City departments should enhance coordination to address issues that involved multiple departments—specifically zoning, business licensing, inspections and police. He stated that he believed this coordination could eliminate or reduce calls from illegal businesses for police department assistance; questioned the ability of these businesses to obtain building permits, privilege licenses, etc.; and stated that, in his opinion, more cooperation among departments would enable the City to identify and close businesses that operate illegally.

Butch Simmons, Engineering and Inspections Department Director, provided an update with regard to his department's efforts to address ongoing problems and concerns at the Southgate Inn in the Randleman Road area. Brief discussion was held.

.....

Mayor Holliday added the name of Edward B. Keohohou to the boards and commissions data bank for consideration for future service.

.....

Councilmember Vaughan moved that the City Council adjourn. The motion was seconded by Councilmember Carmany and adopted unanimously by voice vote of the Council.

THE CITY COUNCIL ADJOURNED AT 11:32 P.M.

KEITH A. HOLLIDAY  
MAYOR

JUANITA F. COOPER  
CITY CLERK

\*\*\*\*\*